

September 26, 1991
REPORT TO THE COMMITTEE
ON PUBLIC SERVICES AND SAFETY

ENVIRONMENTAL MEDIATION PROGRAM

BACKGROUND

At its June 19, 1991, meeting, the City Attorney and City Manager presented a joint report regarding the long term direction of the Environmental Mediation Program. For the past two years of operation, the Mediation Program has effectively conducted over 300 mediations between city code enforcement divisions and property owners. As a result of a Mobile Home Mediation/Communication Process established by the San Diego Housing Authority, the Environmental Mediation Program has also begun using mediation to resolve Mobile Home Park issues. The Mediation Program is a joint effort with the University of San Diego (USD) School of Law.

This Committee approved the continued funding of the Environmental Mediation Program for fiscal year (FY) 1992 and referred this item to the full Council as part of its budget deliberations. On June 28, 1991, the Council appropriated \$130,880 for Mediation Program's third year of operation from a combination of sources: (1) Building Inspection Enterprise Fund--\$42,000; Code Enforcement Civil Penalties Fund--\$16,000; with \$40,880 from FY 1991 year end transfers. The remaining \$20,000 was allocated from the San Diego Housing Commission. On August 5, 1991, the Council ratified the annual contact with USD for the next fiscal year.

LONG TERM ISSUES

At the June 19, 1991, meeting, the Committee discussed and approved, in concept, the recommendations as set forth by the City Attorney and City Manager in the City Manager's Report Number 91-277 of June 14, 1991, (a copy is provided for your information). These included:

1. The Mediation Program should remain with a neutral, non-profit entity housed outside of the formal City structure;
2. Modification should be incorporated into the mediation process to include complainants where appropriate;
3. Expansion of the Mediation Program into other areas outside of code enforcement should be explored;

The primary unresolved issue for the Committee's current discussion is the long term funding of the Program. Issues have been raised by the Committee regarding the impact of the annual budgetary cycle upon the Mediation Program. The Mediation Program's continuity and effectiveness are hampered during the annual budget cycle as the future of the Program

is somewhat uncertain. Thus, one of the issues which the City Manager and City Attorney are currently evaluating is the possibility of a multi-year contract to give the Mediation Program increased stability.

At this stage, further research, evaluation and negotiations are required before the City Attorney can make a final recommendation regarding the long term funding of the Mediation Program. Moreover, the City Manager is currently evaluating various funding sources for the City's entire code enforcement system. They are scheduled to report back to the Transportation and Land Use Committee in February 1992. Some progress has been made regarding the resolution of this long term funding dilemma. Last week the City Attorney and Program Director met with the Dean of the Law School to start exploratory negotiations with USD to determine their interest in continuing the existing contractual partnership. On September 30, 1991, the City Attorney will convene a Task Force meeting with representatives from Financial Management, the City Manager and City code enforcement divisions that use the services of the Mediation Program to brainstorm about various funding options. Once the results of these efforts are completed the City Attorney will be in a better position to make a recommendation to this Committee at its next meeting.

Respectfully submitted,
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City Attorney

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